



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

LKG/KDE

*271 Cadman Plaza East  
Brooklyn, New York 11201*

April 10, 2020

By ECF and Email

The Honorable Allyne R. Ross  
United States District Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Vincent Asaro  
Criminal Docket No. 17-127 (S-1) (ARR)

Dear Judge Ross:

The government respectfully submits this letter pursuant to the Court's April 10, 2020 order (the "Order") requesting clarification from the parties as to how they calculated the portion of Asaro's sentence that he has already served.<sup>1</sup> See Order (observing that the government stated that a sentence reduction to time served would reduce Asaro's sentence by 50% whereas Asaro claimed he has served more than 75% of his sentence).

In 2017, the Court sentenced Asaro to 96 months' imprisonment. As the parties (and the Court) expected, the Bureau of Prisons credited Asaro with 22 months of incarceration that he had previously served prior to his 2015 racketeering trial at which he was acquitted. This left Asaro with having to serve 74 more months in custody for his 2017 arson conviction. Because Asaro has served 37 months' incarceration on the 2017 conviction (from his arrest in March 2017 to the present), he has served 37 of the 74 additional required months, and so a sentence of time served would amount to 50% of his sentence (37 out of 74).

Asaro's claim that he has served over 75% of his sentence appears to come from aggregating the 22 months he served prior to his 2015 racketeering trial plus the 37 months he has served on the 2017 conviction for a total of 59 months. Dividing the 59

---

<sup>1</sup> The government will provide the medical records also requested by the Order as soon as possible under separate cover.

months completed out of the 74 additional months he had to serve yields a percentage of over 79%. This calculation, however, is misleading as it includes in the numerator the 22 months he served on the 2015 case but omits that figure from the denominator, i.e., the amount required to serve, thus overstating the amount of Asaro's sentence that he has completed.

At most, one could calculate Asaro as having served 59 months (22 months on the 2015 case plus 37 months on the 2017 case) out of the total of 96 months, which yields a percentage of approximately 61.4%. The government respectfully submits, however, that its original calculation is more appropriate because in 2017, the Court essentially ordered that Asaro serve 74 more months in prison. Because he has served 37 of these 74 months, he has only served half of the additional amount of time in prison expected. Therefore, a sentence of time served would essentially amount to reducing his sentence by 50%.

Respectfully submitted,

RICHARD P. DONOGHUE  
United States Attorney

By: /s/  
Lindsay K. Gerdes  
Keith D. Edelman  
Assistant U.S. Attorneys  
(718) 254-6155/6328

cc: Clerk of Court (ARR) (by ECF and Email)  
Counsel of Record (by ECF and Email)  
Senior U.S. Probation Officer Joanmarie Langone (by Email)